

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
IN RE NEW YORK COUNTY
ASBESTOS LITIGATION
-----X

This document Relates to: - -
CHRISTIAN F. HOLINKA

Plaintiff,

-against-

A.W. CHESTERTON COMPANY, et al.,

Defendants.
-----X

NYCAL
I.A.S. Part 39
(Freedman, J.)

Index No. 114120-06

**NOTICE OF WITHDRAWAL
OF MOTION TO DISMISS**

PLEASE TAKE NOTICE that in light of plaintiff's consent to the filing of a No-
Opposition Summary Judgment Motion dismissing Baxter International, Inc. ("BII") with
prejudice, BII hereby withdraws its Motion To Dismiss, filed December 5, 2006.

Dated: New York, New York
January 31, 2007

FILED
MAR 07 2007
NEW YORK
COUNTY CLERK'S OFFICE
NEW YORKER BIDDLE & REATH LLP

By: 

Daniel B. Carroll
140 Broadway, 39th Floor
New York, New York 10005
(212) 248-3140

Attorneys for Defendant
Baxter International Inc.

To: SEE ATTACHED COUNSEL LIST

Holinka v. A.W. Chesterton Company, et al.
Index No. 114120/06

SERVICE LIST:

Benjamin Darche, Esq.
Weitz & Luxenberg
180 Maiden Lane
New York, New York 10038-4925
(counsel for plaintiff)

Julie Evans, Esq.
Wilson, Elser, Moskowitz, Edelman & Dicker
150 East 42nd Street
New York, New York 10017-5639
(counsel for A.W. Chesterton Co.)

Judith Yavitz, Esq.
Anderson, Kill, Olick & Oshinsky
1251 Avenue of the Americas
New York, New York 10020-1000
(counsel for Amchem Products, Inc. and Certain Teed Corporation)

Theodore Eder, Esq.
Segal McCambridge Singer & Mahoney
830 Third Avenue, Suite 400
New York, New York 10022
(counsel for Anchor Packing Co., Inc. and Garlock Sealing Technologies LLC)

Cori L. Leavitt, Esq.
Malaby, Carlisle & Bradley LLC
150 Broadway
New York, New York 10038
(counsel for Aqua-Chem, Inc., CBS Corporation, J.H. France Refractories Co. and Premier Refractories, Inc.)

Lawrence McGivney, Esq.
McGivney & Kluger, P.C.
80 Broad Street, 23rd Floor
New York, New York 10004
(counsel for Beckman Coulter, Inc.)

Joseph Colao, Esq.
Leader & Berkon LLP
630 3rd Avenue, 17th Floor
New York, New York 10017
(counsel for E.I. DuPont de Nemours and Company)

Marc S. Gaffrey, Esq.
Hoagland, Longo, Moran, Dunst & Doukas
40 Patterson Street
P.O. Box 480
New Brunswick, New Jersey 08903
(*counsel for Fisher Scientific International Inc.*)

Lisa M. Pascarella, Esq.
Pehlivanian, Braaten & Pascarella, LLC
2430 Route 34
Manasquan, New Jersey 08736
(*counsel for Ingersoll-Rand Co.*)

Jennifer Darger, Esq.
Darger & Errante LLP
116 East 27th Street, 12th Floor
New York, New York 10016
(*counsel for Lennox Industries, Inc.*)

Linda Yassky, Esq.
Sonnenschein Nath & Rosenthal
1221 Avenue of the Americas
New York, New York 10020
(*counsel for Rapid American Corporation*)

Ian Grodman, Esq.
Law Offices of Ian R. Grodman, P.C.
515 Valley Street, Suite 170
Maplewood, New Jersey 07040
(*counsel for Rheem Manufacturing Company, Inc.*)

Jonathan E. Polonsky, Esq.
Thelen Reid & Priest LLP
875 Third Avenue
New York, New York 10022
(*counsel for Univar USA, Inc.*)

David F. Abernathy, Esq.
Drinker Biddle & Reath LLP
One Logan Square
18th & Cherry Streets
Philadelphia, Pennsylvania 19103-6996
(*counsel for VWR International, Inc.*)

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AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY)
) ss:
COUNTY OF MORRIS)

Timothy J. Fraser, being duly sworn, deposes and says:

I am over the age of eighteen and I am not a party to this action.

I caused a true and correct copy of the foregoing Notice of Withdrawal of Motion To
Dismiss to be served on February 1, 2007, via Federal Express upon the following:

Benjamin Darche, Esq.
Weitz & Luxenberg
180 Maiden Lane
New York, New York 10038-4925
(*counsel for plaintiff*)

I caused a true and correct copy of the foregoing Notice of Withdrawal of Motion To
Dismiss to be served on February 1, 2007, via first class mail with adequate postage affixed
thereto upon the following:

Julie Evans, Esq.
Wilson, Elser, Moskowitz, Edelman & Dicker
150 East 42nd Street
New York, New York 10017-5639
(*counsel for A.W. Chesterton Co.*)

Judith Yavitz, Esq.
Anderson, Kill, Olick & Oshinsky
1251 Avenue of the Americas
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Attorneys for Defendant, Baxter International Inc.